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## ALSTON & BIRD LLP

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### TELECOPY

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PETITIONS OFFICE

DATE: September 23, 2003

**TO:** Alicia Brown, USPTO  
Office of Petitions, Central Files**FROM:** Eric J. KronIn re: Maiorella *et al.*

Appl. No.: 09/867,948

Filed: May 30, 2001

For: METHOD OF INCREASING PRODUCT EXPRESSION  
THROUGH SOLUTE STRESS

Confirmation No.: 9747

Group Art Unit: 1653

Examiner: Samuel W. Liu

Confirming our telephone conversation earlier today, we are attaching for entry into the above-referenced file a new communication along with copies of the Amendment and Extension of Time previously faxed to Tech Center 1600 on July 25, 2003. Your assistance is sincerely appreciated.  
Eric J. Kron

**NO. OF PAGES:**  
(Including cover page)

17

**OPERATOR:****IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT 919-862-2221**

USER CODE: KRONE

FAX NUMBER: 703-308-6916

CLIENT/MATTER: 035784/258145

REQUESTED BY: Nora Martinez

VOICE NUMBER: 703-308-8282

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**COPY****TELECOPY**

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DATE: July 25, 2003

**TO: TC 1600**In re: Kappes *et al.*

Appl. No.: 10/272,147

Filed: 10/15/02

For: FUSION PROTEIN DELIVERY SYSTEM AND USES THEREOF

Confirmation No.: 9931

Group Art Unit: 1646

Examiner: To be Assigned

In re: Maiorella *et al.*

Appl. No.: 09/867,948

Filed: May 30, 2001

For: METHOD OF INCREASING PRODUCT EXPRESSION THROUGH SOLUTE STRESS

Confirmation No.: 9747

Group Art Unit: 1653

Examiner: Samuel W. Liu

**NO. OF PAGES:** 12  
(Including cover page)

**OPERATOR:** Vam 2116941

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**USER CODE:** LAKE  
**CLIENT/MATTER:** 035784/258145

**FAX NUMBER:** 703-872-9306

**REQUESTED BY:** Pam Lockley

**VOICE NUMBER:**

JUL 25 03 (FRI) 14:53

P. 001

## TRANSACTION REPORT

Transmission

Transaction(s) completed

**FAXED**

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
360	JUL 25 14:49	##21169#17038729306	0' 03' 32"	012	OK	N ECM

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**ALSTON & BIRD LLP**

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**COPY****TELECOPY****PLEASE DELIVER AS SOON AS POSSIBLE****DATE:** July 25, 2003**TO:** TC 1600**In re:** Kappes *et al.***Appl. No.:** 10/272,147**Filed:** 10/15/02**For:** FUSION PROTEIN DELIVERY SYSTEM AND USES THEREOF**Confirmation No.:** 9931**Group Art Unit:** 1646**Examiner:** To be Assigned**In re:** Maiorella *et al.***Appl. No.:** 09/867,948**Filed:** May 30, 2001**For:** METHOD OF INCREASING PRODUCT EXPRESSION THROUGH SOLUTE STRESS**Confirmation No.:** 9747**Group Art Unit:** 1653**Examiner:** Samuel W. Liu

# 13

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/867/948 Confirmation No.: 9747  
Applicant(s): Maiorella et al.  
Filed: May 30, 2001  
Art Unit: 1653  
Examiner: Samuel W. Liu  
Title: METHOD OF INCREASING PRODUCT EXPRESSION THROUGH  
SOLUTE STRESS

Docket No.: PP00693,104(035784/258145)  
Customer No.: 00826

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Alicia Brown, Petitions, Central Files

FAX RECEIVED  
SEP 23 2003  
PETITIONS OFFICE

COMMUNICATION REGARDING  
AMENDMENT AND ONE-MONTH EXTENSION OF TIME  
FILED VIA FACSIMILE ON JULY 25, 2003

Madam:

This communication and accompanying documents are being transmitted to you pursuant to our telephone conversation this morning, wherein you advised that you had physical possession of this file and would place this transmission into the Official Record for the above-referenced application, the status of which is detailed below:

1. An Official Action was issued by the Examiner on March 25, 2003. A response was due without extension on June 25, 2003. The final extendable due date for this response is September 25, 2003.

2. On July 25, 2003, a response in the form of an Amendment and One Month Extension of Time was filed via facsimile to Tech Center 1600 at 703-872-9306. Copies of this transmittal are attached.

Appl. No.: 09/867/948

Filed: May 30, 2001

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3. The fax cover sheet contained a typographical error in that two cases were referenced--the correct Application No. 09/867,948, and a totally unrelated Application No. 10/272,147.

4. Although the accompanying faxed documents referenced the correct Application No. 09/867,948, Examiner Liu has not yet received the faxed amendment, and a search of the PAIR system does not indicate that the amendment has been entered into the file for either this Application or the unrelated application.

5. Since the final due date is September 25, 2003, in order to ensure timely entry of the previously faxed amendment and to prevent abandonment of the above-referenced application, we are again transmitting copies of the following for entry into the record of Application No. 09/867,948:

- a. Fax cover sheet to TC 1600 dated July 25, 2003;
- b. Fax cover sheet marked "Faxed" confirming transmission and receipt of 12 pages at fax No. 703-872-9306 on July 25, 2003;
- c. Petition and Fee for One Month Extension of Time with authorization to charge to our Deposit Account. No. 16-0605, which was faxed July 25, 2003; and
- d. Amendment Transmittal/Fee Calculation Sheets (2 pages) along with Amendment (8 pages) faxed July 25, 2003.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

Appl. No.: 09/867/948

Filed: May 30, 2001

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this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Eric J. Kron

Registration No. 45,941

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## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. 703-308-6916 on the date shown below.



Nora C. Martinez

Date

9/23/03